IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

MONDAY THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
: PRESENT:
THE HONOURABLE M**R. DEVINDER GUPTA**, THE CHIEF JUSTICE
AND
THE HONOURABLE MS. JUSTICE: **G. ROHINI**

WRIT APPEAL No. 711 of 2004
AND
C.C. Nos. 649 & 696 of 2004

W.A. NO. 711 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order in W.P. No. 9423 of 2003 dated 25-03-2004 on the file of the High Court).

Between:

Banjara Yuvajana Sangham (Regd. No. 2484/1990) Regd. Under the A.P. (Telangana Area) Public Societies Regn.Act, having its office at H. No. 1-17-382/103/2 Vinay Nagar, Saidabad,. Hyderabad rep. by its General Secretary, R. Sankar Naik.

..Appellant/Petitioner

AND

1. The Collector & District Magistrate, Hyderabad Nampally Station Road, Hyderabad
2. The Commissioner Land Revenue (ULC) Govt.of A.P. Nampally, Hyderabad
3. The Revenue Divisional Officer, Collector's Office, Nampally,. Hyderabad
4. The Mandal Revenue Officer, Saidabad Mandal, Musarambagh, Malakpet, Hyderabad
5. The Commissioner of Police, Basheerbagh, Hyderabad
6. The Station House Officer, Saidabad Police Station, Hyderabad
7. Rashtra Dalits Seva Sangham (Regd.No. 587/1994) having its Office at Hut No. 17-1-391/SC/1, Dr. A.P.J. Abdul Kalam Nagar, Hyderabad, rep. by its President Sri Muthyala Babu
8. Roudri Cooperative Housing Society Ltd., MS12,Malakpet Colony, Hyderabad rep.by its Secretary, R. Malakondaiah
9. Industries Dept.,. Employees House Building Coop. Society Ltd., Industries Colony, Saidabad, Hyderabad, rep. by its President, A.P.Reddy

..Respondents

COUNSEL FOR APPELLANT: MR. K. R. Prabhakar.
COUNSEL FOR RESPONDENTS 1 TO 6: G.P. for Revenue.
COUNSEL FOR RESPONDENT No. 7: Mr. Ramchander Rao.
COUNSEL FOR RESPONDENT NO. 8: Mr. M.V.S. Suresh Kumar.
COUNSEL FOR RESPONDENT No. 9 : Mr. Prasada Rao Vemulapalli

C.C. No. 649 of 2004

(Contempt Case U/s 10 to 12 of Contempt of Courts Act to summon Respondent No. 1 and punish him for violating the orders of this Hon`ble Court in W.A. No. 711 of 2004 dated: 19-04-2004)

Between:

Industries Department Employees House Building Cooperative Society Ltd., rep. by its President, A.P. Reddy, Saidabad Village and Mandal, Hyderabad.

… Petitioner

(Respondent No. 9 in W.A. No. 711 of 2004 on the file of the High Court)

AND

1. R. Sankar Nayak, General Secretary, Banjara Yuvajana Sangham, 1-17-382/103/2, Vinaynagar, Saidabad, Hyderabad.
2. The Collector, Hyderabad District, Nampally Station Road, Hyderabad.
3. The Commissioner Land Revenue (ULC) Govt. of A.P. Nampally, Hyderabad
4. The Revenue Divisional Officer, Collector's Office, Nampally,. Hyderabad
5. The Mandal Revenue Officer, Saidabad Mandal, Musarambagh, Malakpet, Hyderabad
6. The Commissioner of Police, Basheerbagh, Hyderabad
7. The Station House Officer, Saidabad Police Station, Hyderabad
8. Rashtra Dalits Seva Sangham (Regd.No. 587/1994) having its Office at Hut No. 17-1-391/SC/1, Dr. A.P.J. Abdul Kalam Nagar, Hyderabad, rep. by its President Sri Muthyala Babu
9. Roudri Cooperative Housing Society Ltd., MS12,Malakpet Colony, Hyderabad rep.by its Secretary, R. Malakondaiah

… Respondents

(Respondents in do)

COUNSEL FOR PETITIONER: MR. V. Prasada Rao. .

COUNSEL FOR RESPONDENT No. 1: MR. K. R. Prabhakar.

COUNSEL FOR RESPONDENTS 2 TO 7: G.P. for Revenue.

COUNSEL FOR RESPONDENT No. 8: Mr. Ramchander Rao.

COUNSEL FOR RESPONDENT NO. 9: Mr. M.V.S. Suresh Kumar.

C.C. No. 696 of 2004

(Contempt Case U/s 10 to 12 of Contempt of Courts Act to punish Respondent for violation of orders of this Hon`ble Court passed in W.A. No. 711 of 2004 dated: 19-04-2004)

Between:

Roudri Cooperative Housing Society Ltd., MS12,Malakpet Colony,

Hyderabad rep.by its Secretary, R. Malakondaiah

… Petitioner
(Respondent No. 8 in W.A. No. 711 of 2004
on the file of the High Court)

AND

Banjara Yuvajana Sangham, H. No. 1-17-382/103/2, Vinaynagar, Saidabad, Hyderabad. Rep. by its General Secretary R. Sankar Nayak,

… Respondent
(Petitioner in do)

COUNSEL FOR PETITIOENR: Mr. M.V.S. Suresh Kumar
COUNSEL FOR RESPONDENT : Mr. K. R. Prabhakar.

..3..

These petitions coming on for hearing upon perusing the petitions and affidavits filed herein and the order of the High Court dated: 16-06-2004 and made in W.A. NO. 711 of 2004 and upon hearing the arguments of the above mentioned counsel;

Whereas the Court upon observed that the counsel for the respondents pointed out that the in the garb of status quo order, appellants had changed status quo as it existed on 19the April, 2004 for which contempt petitions have been filed and directed that there should be no change of status quo as regards nature and possession of the property in question and directed the petition to be listed after two weeks

The Court on 28-06-2004 observed that today learned counsel for the appellants states that he has not been served with copy of contempt case No. 696 of 2004 which has now been served on him in the Court; that learned counsel appearing for the petitioners in contempt case No. 649 of 2004 states that even after 16th June, 2004 appellants have been indulging in unlawful activity of continuing to raise constructions and thus violating the order of status quo;

Whereas the Court upon considering the facts and circumstances appointed Mr. Bajrang Singh Thakur, as an advocate Commissioner, to visit the site in question today, to inform the learned counsel for the parties his intended visit today and take the assistance of a photographer also and submit a report whether any construction work is in progress or not;

Therefore you namely:
Mr. Bajrang Singh Thakur, Advocate, High Court of A.P., Hyerabad

are hereby appointed as an Advocate Commissioner to visit the site in question today. You are directed to inform the learned counsel for the parties about your visit today and take the assistance of a Photographer. You are further directed to submit your report whether any construction work is in progress or not. Photographs will be so taken that it may be possible to the Court to ascertain the position as of today; in case any grievance is made subsequently;

You are informed that in case if you find any difficulty in executing the commission, it will be open to you to contact the local police authorities and in such an event the concerned Police authorities shall ensure that proper Police Protection is given so as to enable you to execute the Commission.

You are further informed that your fees is fixed at Rs. 5,000/-which will be paid by the petitioners in Contempt Case No. 649 of 2004 to meet the expenses in execution of the Commission.

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DEPUTY REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Mr. Bajrang Singh Thakur, Advocate, High Court of A.P., Hyderabad. (BY SPECIAL MESSENGER with a copy of petition and memo of grounds and affidavits)
2. The Station House Officer, Saidabad Police Station, Saidabad, Hyderabad. (BY SPECIAL MESSENGER)
3. One spare copy.

Ksv

HIGH COURT

HCJ
&
RGJ

DATE: 28-06-2004

ORDER

WA. NO. 711 OF 2004
AND
C.C. Nos. 649 & 696 of 2004

APPOINTMENT OF ADVOCATE COMMISSIONER